

The time period for response is set to expire on February 18, 2002. Accordingly, it is respectfully submitted that this response is timely filed. However, if any extension period is required in order for this paper to be timely filed, then Applicant hereby requests an extension for such additional time period and authorizes the Commissioner to charge any fees therefore to the Kagan Binder deposit account No. 50-1775.

No other fees are believed to be required in connection with the filing of this response. Should any fee be required, the Commissioner is authorized to charge Kagan Binder Deposit Account No. 50-1775 and thereafter notify us of the same.

Claim rejection under 35 U.S.C. §103 over Van Hoose, Shaver, and Aduvala

Claims 1, 4, 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Hoose in view of Shaver et al. and Aduvala. This rejection is traversed in that the proposed combination fails to teach or suggest the claimed toy, as amended, in which playpieces incorporate a unique, symbolic shape, a unique color, and a facial expression depicting a particular emotion.

The claims as amended are directed to an interactive toy and its use to explore emotional experience. The claimed playpieces include a combination of three unique features. These are as follows:

- a unique shape symbolic of emotion;
- a unique color; and
- a facial expression depicting the particular emotion.

The unique, symbolic shape enhances differentiation among emotions and eases acceptance and exploration of emotion. The use of color takes advantage of the fact that color has an emotional tone. The facial expression not only helps connect the symbolic representation to the physical expression of that emotion in the user, but also helps to establish a rapport between the user and the playpiece. This latter aspect is somewhat analogous to the way in which a young child speaks to and interacts with a stuffed animal toy as if the toy were a live companion. The result is a multidimensional approach to emotion therapy, exploration, and/or play.

The playpieces of the primary reference Van Hoose lack this combination of features. The playpieces of Van Hoose corresponding to emotion are shown in Fig. 3 and

include items 29, 31, 33, 35, 37, and 39. However, none of the pieces include a facial expression of the corresponding emotion. Pieces 29-33 are only portions (the mouth) of a facial expression. Pieces 35-39 lack even that. Van Hoose thus lacks an important dimension of the claimed toy.

The difference between Van Hoose and the claimed invention is significant, especially if one places himself into the shoes of the typical user, i.e., a young child. In this regard, the Examiner is invited to compare the playpieces of the invention to those shown in Fig. 3 of Van Hoose. Which playpieces more clearly and more multidimensionally depict particular emotions? Clearly, those of the invention have the advantage. Without having to review applicants specification, it is very easy to look at each playpiece depicted in our drawings and without hesitation identify the emotion at issue. This is one aspect of why this toy is so beneficially used with young children.

Contrast the invention now to the playpieces 29, 31, 33, 35, 37, and 39 of Van Hoose. Without resorting to a review of the Van Hoose specification, can one definitively name the various emotions being depicted by the playpieces? Indeed, was it even clear that pieces 29, 31, 33, 37, and 39 are intended to depict emotion until after reading the Van Hoose specification?

Indeed, the symbols of Van Hoose are ambiguous. For instance, if Van Hoose's playpiece 31 or 33 were to be picked up, which orientation is right side up? Is one or the other intended to be the smile or the grimace? One would have to have the Van Hoose specification or comparable guidance on hand to be sure on this during the course of play.

Neither Shaver nor Aduvala cure the deficiencies of Van Hoose:

Aduvala uses cards to depict emotion. The various components used on each card to depict emotion are not integrated as they are in the playpieces of the present invention, but are applied to the cards as discrete, separate entities. Thus, to the extent that the Aduvala cards include facial expressions, these are separate and distinct from graphic symbols, to the extent such symbols are used on the cards. Thus, Aduvala lacks any teaching motivation, or suggestion to apply facial expressions to emotional symbols themselves.

Shaver shows playpieces depicting emotion in Fig. 9. However, neither shape nor color is used to differentiate these. Thus, no facial expressions are applied to shapes

symbolic of emotion that have a unique color. Thus, Shaver lacks any teaching, motivation, or suggestion to apply facial expressions onto any of the Van Hoose playpieces. Indeed, just as was the case with Aduvala, what motivation would the skilled worker have to do so in any event when the playpieces 29, 31, and 33 of Van Hoose are intended to be only portions (mouths) of an expression and not a full expression comprising eyes and a mouth?

Furthermore, making such a combination would also be contrary to the manner of play contemplated by Shaver, as explained in Shaver at col. 4 to col. 5. Indeed, it is a key aspect of Shaver's intended mode of play that the facial expression, color and the like, be maintained separate from one another. The proposed modification of Van Hoose by Shaver is thus further improper as undermining the intended function of Shaver.

In view of the above remarks, it is respectfully submitted that the claims are patentably distinct from the proposed combination of Van Hoose with Shaver or Aduvala. Withdrawal of the rejection over these documents is respectfully requested.

Claim rejection under 35 U.S.C. §103 over Van Hoose, Shaver, and Aduvala

Claims 1, 4 and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Hoose in view of Childsworld/Childsplay "Feelings Frogs Game". This rejection is traversed.

The deficiencies of Van Hoose are noted above. The "Feeling Frogs Game" fails to cure these deficiencies. In the "Feeling Frogs Game", all the frogs have the same shape and the same expression. They differ only in color and text. Thus, no aspect of this game provides any teaching, motivation, or suggestion to apply a unique facial expression of particular emotion onto a uniquely shaped playpiece whose shape is symbolic of emotion.

Inasmuch as the "Feeling Frogs Game" fails to cure the deficiencies of Van Hoose, it is respectfully submitted that the claims are patentable over the cited combination of references. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above remarks, it is respectfully submitted that the claims and the present application are now in condition for allowance. Approval of the application and allowance of the claims is earnestly solicited. In the event that a phone conference between the examiner and the Applicant's undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact said attorney at (651) 275-9804.

Respectfully Submitted,

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EXHIBIT
Pending Claims with Current Amendments

1. (Three times Amended) An interactive toy for exploring an emotional experience, comprising:

- (a) a plurality of playpieces, each playpiece being generally symbolic of a particular emotion, and each playpiece comprising a unique color, a unique shape, and unique visually discernible ~~information selected from the group consisting of at least one of textual and graphical~~ information facial expression of the corresponding particular emotion, said facial expression comprising eyes and a mouth; and
- (b) a container comprising a storage chamber into which the playpieces may be independently stored or withdrawn during the course of play thereby providing the opportunity for emotions to be kinesthetically represented.

4. The interactive toy of claim 1, wherein the playpieces comprise a first playpiece generally symbolic of love, a second playpiece generally symbolic of sadness, a third playpiece generally symbolic of happiness, a fourth playpiece generally symbolic of anger, and a fifth playpiece generally symbolic of fear.

6. The interactive toy of claim 4, wherein the playpiece generally symbolic of sadness is tear drop-shaped.

7. The interactive toy of claim 4, wherein the playpiece generally symbolic of happiness is sun-shaped.

8. (Once amended) The interactive toy of claim 4, wherein the playpiece generally symbolic of anger is fire-shaped.

9. (Once amended) The interactive toy of claim 4, wherein the playpiece generally symbolic of fear is ghost-shaped.

10. The interactive toy of claim 1, wherein one or more of the playpieces each respectively comprises one or more panels enclosing a stuffing material.
11. The interactive toy of claim 1, wherein the container is heart-shaped.
12. The interactive toy of claim 1, wherein the container is a plush, pillow bag.
13. (Three Times Amended) A method of exploring emotional experience, comprising the steps of:
 - (a) providing a toy comprising a plurality of playpieces, each playpiece being generally symbolic of a particular emotion and each playpiece comprising a unique color, a unique shape, and unique visually discernible information facial expression of the corresponding particular emotion, said facial expression comprising eyes and a mouth~~selected from the group consisting of at least one of textual and graphical information~~, and a container comprising a storage chamber into which the playpieces may be independently stored or withdrawn during the course of play; and
 - (b) interacting with the toy to explore an emotional experience.
14. (Once Amended) The method of claim 13, wherein interacting with the toy comprises visually, kinesthetically, and linguistically exploring an emotional experience.
15. (Once Amended) The method of claim 13, wherein step (b) comprises withdrawing a playpiece from the container.

16. The method of claim 13, further comprising naming the emotion corresponding to the playpiece.

17. (New) The interactive toy of claim 1, wherein each playpiece further comprises textual information indicative of the particular emotion corresponding to the playpiece.

18. (New) The method of claim 13, wherein each playpiece further comprises textual information indicative of the particular emotion corresponding to the playpiece.